

REMARKS

In the non-final Office Action, the Examiner rejects claim 1 and 6-8 under 35 U.S.C. § 112, second paragraph, as being indefinite; rejects claims 1-3, 5, 10, and 14 under 35 U.S.C. § 102(b) as being anticipated by ARAVAMUDAN et al. (U.S. Patent No. 6,301,609 B1, hereinafter “ARAVAMUDAN”); rejects claim 13 under 35 U.S.C. § 102(b) as being anticipated by WOLFF et al. (U.S. Patent No. 5,327,486, hereinafter “WOLFF”); rejects claim 4 under 35 U.S.C. § 103(a) as being unpatentable over ARAVAMUDAN and further in view of LEE (U.S. Patent No. 6,161,008); and rejects claims 6-8 under 35 U.S.C. § 103(a) as being unpatentable over ARAVAMUDAN and further in view of BRENNAN (U.S. Patent No. 5,329,578).

By way of this amendment, claims 1-8 and 10-14 are amended to improve form. No new matter has been added. Claims 1-14 are pending.

At the outset, Applicants note that the Office Action neither rejects claims 9, 11, and 12 based on the art of record, nor identifies to the claims as containing allowable subject matter. Applicants assume that the Examiner intended to identify claims 9, 11, and 12 as containing allowable subject matter. Should Applicants' assumption be incorrect, Applicants respectfully request clarification as to the status of claims 9, 11, and 12.

Claims 1 and 6-8 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention (Office Action, pp. 2 and 3). While not concurring with the Examiner's rejection, but merely to expedite prosecution, claims 1

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and 6-8 have been amended to improve form and more clearly define the claimed subject matter.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1 and 6-8 under 35 U.S.C. § 112, second paragraph.

Claims 1-3, 5, 10, and 14 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by ARAVAMUDAN. Applicants respectfully traverse the rejection.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. In other words, the identical invention must be shown in as complete detail as contained in the claim. See M.P.E.P. § 2131. ARAVAMUDAN does not disclose each and every feature recited in claims 1-3, 5, 10, and 14.

Claim 1, as amended, is directed to a method for providing a notification to a preferred communication device of a plurality of communication devices associated with a user, wherein each of the communication devices can be designated as the preferred communication device. The method comprises receiving, at a server, a notification from one of the communication devices indicating that incoming data has been received at the one communication device; and transmitting the received notification to the preferred communication device. ARAVAMUDAN does not disclose or suggest this combination of features.

For example, ARAVAMUDAN does not disclose or suggest receiving, at a server, a notification from one of the communication devices (which can be designated as a preferred communication device), indicating that incoming data has been received at

the one communication device, as required by claim 1. The Examiner asserts that ARAVAMUDAN discloses this feature, citing col. 9, lines 19-22, and col. 11, lines 40-42, as support (Office Action, p. 4). Applicants respectfully disagree.

Col. 9, lines 10-22 of ARAVAMUDAN discloses:

If the CSP database indicates that the user is online, however, then the CSP initiates an instant message, via the IM server, to the user's online CPE, in accordance with step 306. The conveyed instant message notifies the user that the CSP has received an important event and queries the user as to the method of disposition of the important event (that is, if the user wishes the contents of the important event forwarded, when the user wishes that content forwarded, and in which format the content should be delivered). In accordance with step 308, if the user responds to the CSP, then an instant message detailing the instructions for disposition and delivery from among the various offered options is generated and delivered to the CSP.

This portion of ARAVAMUDAN discloses that CSP (communication services platform) 160 sends an instant message (IM) to a user's online CPE (consumer premises equipment) 140, notifying the user that CSP 160 has received an incoming communication 132 (which intended for one of clients 142-150); querying the user regarding disposition of incoming communication 132; generating an IM that details the user's instructions in response; and sending the IM to CSP 160 (see Figs. 1 and 2). Inasmuch as ARAVAMUDAN does not disclose that CSP 160 can be designated as a preferred communication device for the user, ARAVAMUDAN fails to disclose or suggest receiving, at CSP 160, a notification from client 142, 144, 146, 148, or 150 indicating that incoming communication 132 has been received at client 142, 144, 146, 148, or 150, as would be required by claim 1.

Col. 11, lines 38-45 of ARAVAMUDAN discloses:

[U]pon notification of a pending event or received data or communications by the Communication Services Platform (CSP), the user may select the delivery channel utilized (i.e., packet or PSTN service), the user may elect to reject the data or communication, the user may elect to have the data or communication forwarded to a messaging system or to a third party, and/or the user may elect to conference parties in or to make new calls.

This portion of ARAVAMUDAN discloses that upon notification of incoming communication 132 received by CSP 160, the user is given various options for disposition of incoming communication 132. Thus, nowhere in this portion, or elsewhere, does ARAVAMUDAN disclose or suggest receiving, at a server, a notification from one of the communication devices, which can be designated as a preferred communication device, indicating that incoming data has been received at the one communication device, as required by claim 1.

Because ARAVAMUDAN does not disclose or suggest receiving, at a server, a notification from one of the communication devices, which can be designated as a preferred communication device, indicating that incoming data has been received at the one communication device, ARAVAMUDAN cannot disclose or suggest transmitting the received notification to the preferred communication device, as further recited in claim 1.

For at least these reasons, claim 1 is not anticipated by ARAVAMUDAN.

Claims 2, 3, and 5 depend from claim 1 and are, therefore not anticipated by ARAVAMUDAN for at least reasons given with respect to claim 1.

Independent claim 10, as amended, is directed to an apparatus for providing a notification to a preferred communication device of a plurality of communication devices which may be used by a user to initiate and receive communications. The apparatus comprises a server configured to receive a notification from one of the communication

devices indicating that incoming data has been received at the one communication device; and transmit the notification to the preferred communication device, the notification including an identification of the type of the incoming data.

ARAVAMUDAN does not disclose or suggest this combination of features.

For example, ARAVAMUDAN does not disclose or suggest a server configured to receive a notification from one of the communication devices which may be used by a user to initiate and receive communications, indicating that incoming data has been received at the one communication device, as required by claim 10. The Examiner asserts that CSP 160 of Fig. 1 of ARAVAMUDAN corresponds to this feature (Office Action, p. 5). Applicants respectfully disagree.

ARAVAMUDAN, at Fig. 1, col. 4, lines 33-35, and col. 5, lines 56-59, clearly discloses that incoming communication 132 to service provider 120 is routed via softswitch 128 to CSP 160. In other words, inbound calls intended for a client 142-150 of a subscriber are effectively intercepted by service provider 120 and diverted to CSP 160 (ARAVAMUDAN, col. 4, lines 34-37). ARAVAMUDAN contemplates CSP 160 is a workstation owned and operated by service provider 120 or a third party which may be used to locate and contact a subscriber's CPE 140 (ARAVAMUDAN, col. 4, lines 42-53). Thus, nowhere in connection within Fig. 1, or elsewhere, does ARAVAMUDAN disclose or suggest a server configured to receive a notification from one of the communication devices which may be used by a user to initiate and receive communications, indicating that incoming data has been received at the one communication device, as required by claim 10.

Because ARAVAMUDAN does not disclose or suggest a server configured to receive a notification from one of the communication devices which may be used by a user to initiate and receive communications, indicating that incoming data has been received at the one communication device, ARAVAMUDAN cannot disclose or suggest a server configured to transmit the notification to the preferred communication device, the notification including an identification of the type of the incoming data, as further recited by claim 10.

For at least these reasons, claim 10 is not anticipated by ARAVAMUDAN.

Independent claim 14, as amended, is directed to an apparatus for providing a notification to a preferred communication device of a plurality of communication devices associated with a user. The apparatus comprises a server configured to receive data from a non-preferred one of the communication devices indicating a call received at the non-preferred communication device and identifying the preferred communication device; and transmit the data to the preferred communication device. ARAVAMUDAN does not disclose or suggest this combination of features.

For example, ARAVAMUDAN does not disclose or suggest a server configured to receive data from a non-preferred one of the communication devices indicating a call received at the non-preferred communication device and identifying the preferred communication device, as required by claim 14. The Examiner asserts that ARAVAMUDAN discloses “CSP with integrated Instant Messenger receiving data from sending buddy’s device” and “transmitting data to a preferred device as selected by the receiving buddy” (Office Action, p. 5). Applicants respectfully submit that

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ARAVAMUDAN does not disclose or suggest the above-identified claimed feature for at least reasons similar to the reasons given above with respect to claims 1 and 10.

For at least these reasons, claim 14 is not anticipated by ARAVAMUDAN.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-3, 5, 10, and 14 under 35 U.S.C. § 102 based on ARAVAMUDAN.

Claim 13 stands rejected under 35 U.S.C. § 102(b) as allegedly anticipated by WOLFF. Applicants respectfully traverse the rejection.

As noted above, a proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. In other words, the identical invention must be shown in as complete detail as contained in the claim. See M.P.E.P. § 2131. WOLFF does not disclose each and every feature recited in claim 13.

Independent claim 13, as amended, is directed to a method for providing a notification to a preferred communication device of a plurality of communication devices associated with a user. The method comprises receiving, at a network device, information from a non-preferred one of the communication devices indicating a call has been received at the non-preferred communication device and identifying the preferred communication device; generating a notification corresponding to the received information; and transmitting the notification from the network device to the identified preferred communication device. WOLFF does not disclose or suggest this combination of features.

For example, WOLFF does not disclose or suggest receiving, at a network device, information from a non-preferred one of the communication devices indicating a has been call received at the non-preferred communication device and identifying the preferred communication device, as required by claim 13. The Examiner asserts that WOLFF discloses this feature, citing col. 2, lines 30-32 and col. 6, lines 11-16 of WOLFF, as support (Office Action, p. 6). Applicants respectfully disagree.

Col. 2, lines 30-32 of WOLFF discloses a method that includes the step of receiving the telephone call from the caller, where the telephone call includes caller identification information. Col. 6, lines 11-16 of WOLFF discloses the call announcement screen for the stylus-based palm-top, shown in FIG. 4, advises the end user of the name and number of the caller and provides prompts for the various call disposition options (e.g., "route call to me", "transfer call to voice mail", etc.). Thus, nowhere in these portions, or elsewhere, does WOLFF disclose or suggest receiving, at a network device, information from a non-preferred one of the communication devices indicating a call received at the non-preferred communication device and identifying the preferred communication device, as required by claim 13. To the contrary, WOLFF discloses that a telephone call initiated at a telephone 22 and intended for a telephone 20, is routed (i.e., effectively intercepted and diverted) by a public local exchange network 10 to a platform 14 where it is processed by the personal telephone manager 12 (WOLFF, at Figs. 1 and 2, and col. 3, lines 46-50).

Because WOLFF does not disclose or suggest receiving, at a network device, information from a non-preferred one of the communication devices indicating a call

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received at the non-preferred communication device and identifying the preferred communication device, WOLFF cannot disclose or suggest generating a notification corresponding to the received information; and transmitting the notification from the network device to the identified preferred communication device, as further recited by claim 13.

For at least these reasons, claim 13 is not anticipated by WOLFF.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 13 under 35 U.S.C. § 102 based on WOLFF.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over ARAVAMUDAN in view of LEE. Applicants respectfully traverse the rejection.

Claim 4 depends from claim 1. Without concurring in the Examiner's rejection, Applicants submit that the disclosure of LEE does not remedy the above-identified deficiencies of the disclosure of ARAVAMUDAN with respect to claim 1. Claim 4 is, therefore, patentable over ARAVAMUDAN and LEE, whether taken alone, or in any reasonable combination, for at least the reasons given with regard to claim 1.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 4 under 35 U.S.C. § 103 based on the combination of ARAVAMUDAN and LEE.

Claims 6-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over ARAVAMUDAN in view of BRENNAN. Applicants respectfully traverse the rejection.

Claims 6-8 depend from claim 1. Without concurring in the Examiner's rejection, Applicants submit that the disclosure of BRENNAN does not remedy the above-

identified deficiencies of the disclosure of ARAVAMUDAN with respect to claim 1.

Claims 6-8 are, therefore, patentable over ARAVAMUDAN and BRENNAN, whether taken alone, or in any reasonable combination, for at least the reasons given with regard to claim 1.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 6-8 under 35 U.S.C. § 103 based on the combination of ARAVAMUDAN and BRENNAN.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of pending claims 1-14.

As Applicants' remarks with respect to the Examiner's rejections overcome the rejections, Applicants' silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or that such requirements have been met, and Applicants reserve the right to dispute these assertions/requirements in the future.

If the Examiner believes that the application is not now in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned to discuss any outstanding issues.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY SNYDER, L.L.P.

By: /Garth D. Richmond/
Garth D. Richmond
Registration No. 43,044

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11350 Random Hills Road
Suite 600
Fairfax, Virginia 22030
(571) 432-0800

Customer Number: 25537